



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,198	07/19/2001	Louis Stoll	10378/4	9731

7590 12/22/2004

KENYON & KENYON
One Broadway
New York, NY 10004

EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
----------	--------------

2131

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,198

Applicant(s)

STOLL, LOUIS

Examiner

Kaveh Abrishamkar

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on July 17, 2001. Claims 1 – 11 were originally received for consideration. No preliminary amendments for the claims were received. Claims 1 – 11 are currently under consideration.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1 – 11 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 - 11 of copending Application No. 10/380,415. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. (U.S. Patent 6,668,322).

Regarding claim 1, Wood discloses:

A method for authenticating a user access to an information system over a communications network, comprising the steps of:

validating a user login information item, wherein the user login information item includes at least one of a user identifier and a password (column 5 lines 29 – 45, column 8 lines 8 – 43);

determining a contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching the user login information item with a contractual relationship data item located in at least one

database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43); and

validating a status of the determined contractual relationship between the user and the information system provider, wherein the status is validated by examining a contractual relationship status item located in the at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Regarding claim 4, Wood discloses:

A method for determining an access privilege of a user over a communications network, comprising the steps of:

associating a service with at least one type of a contractual relationship, wherein the type is a category of contractual relationship identified by a first contractual relationship data item located in at least one database of an information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

determining the type of the contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching a user login information item with a second contractual relationship data item located in the at least one database of the information system provider and wherein the type of contractual relationship between a user and an information system provider is identified by the first contractual relationship data item located in the at least one

Art Unit: 2131

database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43); and

granting the access privilege for the service to the user, wherein the service is associated with the at least one type of the contractual relationship between the user and the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Regarding claim 7, Wood discloses:

A method for generating at least one of a computer system user account, a network user account, and an information system user account, comprising the steps of:

determining a contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching a user data item with a contractual relationship data item located in at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

validating a status of the determined contractual relationship between the user and the information system provider, wherein the status is validated by examining a contractual relationship status item located in the at least one database of the information system provider (column 5 lines 29 – 45, column 8 lines 8 – 43); and

creating at least one of the computer system user account, the network user account, and the information system user account using information from the status and the contractual relationship (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Regarding claim 8, Wood discloses:

A system for authenticating a user access to an information system, comprising:

- a program memory (column 2 lines 56 – 67);
- a storage device, wherein the storage device contains at least one of a contractual relationship data item and a user login information item (column 2 lines 56 – 67); and
- a processor, wherein the processor is adapted to:
 - (i) load the contractual relationship data item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);
 - (ii) load the user login information item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);
 - (iii) load the contractual relationship status item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);
 - (iv) validate the user login information item, wherein the user login information item includes at least one of a user identifier and a password (column 5 lines 29 – 45, column 8 lines 8 – 43);
 - (v) determine a contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching the user login information item with the contractual relationship data item located in at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43); and

(vi) validate a status of the determined contractual relationship between the user and the information system provider, wherein the status is validated by examining a contractual relationship status item located in the at least one database of the information system provider (column 5 lines 29 – 45, column 8 lines 8 – 43).

Regarding claim 9, Wood discloses:

A system for determining an access privilege of a user, comprising:

a program memory (column 2 lines 56 – 67);

a storage device, wherein the storage device contains a first contractual relationship data item and a second contractual relationship data item (column 2 lines 56 – 67); and

a processor, wherein the processor is adapted to:

(i) load the first contractual relationship data item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(ii) load the second contractual relationship data item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(iii) associate a service with at least one type of a contractual relationship, wherein the type is a category of contractual relationship identified by the first contractual relationship data item located in at least one database of an information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(iv) determine the type of the contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by

matching a user login information item with a second contractual relationship data item located in the at least one database of the information system provider and wherein the type of contractual relationship between a user and an information system provider is identified by the first contractual relationship data item located in the at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43); and

(v) grant the access privilege for the service to the user, wherein the service is associated with the at least one type of the contractual relationship between the user and the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Regarding claim 10, Wood discloses:

A system for generating at least one of a computer system user account, a network user account, and an information system user account, comprising:

a program memory (column 2 lines 56 – 67);

a storage device, wherein the storage device contains a contractual relationship data item and a contractual relationship status item (column 2 lines 56 – 67); and

a processor, wherein the processor is adapted to:

(i) load the contractual relationship data item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(ii) load the contractual relationship status item into the program memory (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(iii) determine contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching a user data item with the contractual relationship data item located in at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

(iv) validate a status of the determined contractual relationship between the user and the information system provider, wherein the status is validated by examining the contractual relationship status item located in the at least one database of the information system provider (column 5 lines 29 – 45, column 8 lines 8 – 43); and

(v) create at least one of the computer system user account, the network user account, and the information system user account using information from the status and the contractual relationship (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Regarding claim 11, Wood discloses:

A medium for storing instructions adapted to be executed by a processor to perform the steps of:

determining a contractual relationship between a user and an information system provider, wherein the contractual relationship is determined by matching a user data item with a contractual relationship data item located in at least one database of the information system provider (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43);

validating a status of the determined contractual relationship between the user and the information system provider, wherein the status is validated by examining a contractual relationship status item located in the at least one database of the information system provider (column 5 lines 29 – 45, column 8 lines 8 – 43); and

creating at least one of the computer system user account, the network user account, and the information system user account using information from the status and the contractual relationship (column 5 line 29 – column 6 line 56, column 8 lines 8 – 43).

Claim 2 is rejected as applied above in rejected claim 1. Furthermore, Wood discloses:

The method according to claim 1, wherein the information system is a Web-based information system (column 9 lines 7 – 64).

Claim 3 is rejected as applied above in rejected claim 1. Furthermore, Wood discloses:

The method according to claim 1, wherein the communications network is an Internet (column 9 lines 7 – 64).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Wood discloses:

The method according to claim 4, wherein the service is at least one of a program, a feature, a menu item, an object, an application, a set of data, and a link (column 5 lines 10 – 28).

Claim 6 is rejected as applied above in rejecting claim 4. Furthermore, Wood discloses:

The method according to claim 4, wherein the communications network is an Internet (column 9 lines 7 – 64).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
12/07/04

CSA
KV2131
12/9/04